

TITLE 281, NEBRASKA ADMINISTRATIVE CODE, CHAPTER 1
COORDINATING COMMISSION FOR POSTSECONDARY EDUCATION
RULES AND REGULATIONS CONCERNING AUTHORIZATION FOR
OUT-OF-STATE INSTITUTIONS TO OFFER COURSES AND
DEGREE PROGRAMS IN THE STATE OF NEBRASKA

TITLE 281 - COORDINATING COMMISSION FOR POSTSECONDARY EDUCATION
CHAPTER 1 - RULES AND REGULATIONS CONCERNING AUTHORIZATION FOR
OUT-OF-STATE INSTITUTIONS TO OFFER COURSES AND DEGREE
PROGRAMS IN THE STATE OF NEBRASKA

LAST ISSUE DATE: MARCH 13, 1992

001 APPLICATION

001.01 Prior to offering any course or degree program in the State of Nebraska, out-of-state institutions shall apply to the Commission for authorization to operate in the State. The provisions of this rule shall also apply to courses or degree programs delivered in the State by an out-of-state institution via telecommunications-based instruction if the institution will have a physical presence in Nebraska.

~~001.01 Exclusions. 001.02~~ The requirements-provisions of this rule shall not apply to out-of-state institutions which offer: (a) offering a short course or seminar in which instruction for the segment takes no more than twenty classroom hours, or (b) offering courses or programs on a military installation solely for military personnel or civilians employed on such installation.

001.02A Courses or programs on a military installation solely for military personnel or civilians employed on such installation; or

001.02B A short course or seminar in which instruction for the segment takes no more than twenty classroom hours, including a single short course or seminar offered multiple times or a series of short courses or seminars, provided that the series of courses cannot reasonably be construed as leading to a complete academic award (certificate, diploma, or degree).

~~An out-of-state institution which offers more than one short course or seminar in Nebraska for which instruction for the segment takes no more than twenty classroom hours is subject to provisions of this rule.~~

002 STATUTORY AUTHORITY

~~002.01 Chapter 85, Section 85-1101 relating to a definition of out-of-state institutions.~~

~~002.02 Chapter 85, Section 85-1102 relating to a registration and authorization requirements for out-of-state institutions which intend to offer courses or degree programs in the State of Nebraska.~~

~~002.03 Chapter 85, Section 85-1103 relating to criteria for Commission determinations on applications of out-of-state institutions to offer courses or degree programs in the State of Nebraska~~

~~002.04 Chapter 85, Section 85-1104 relating to criminal penalties for violation of the Statutes.~~

~~002.05 Provisions relating to the establishment of new two or four-year private colleges in the State are found in Chapter 85, Sections 85-1105 to 85-1111 and Title 281, NAC Chapter 2.~~

~~002.06 Private out-of-state vocational educational institutions offering vocational credentials, or offering instruction for attainment of occupational objectives, as defined in Section 79-2643 (R.R.S.) have requirements in Chapter 24 and Chapter 28 and Title 92, NAC Chapters 41, 42 and 43. The Commission shall make recommendations to the State board of Education with regard to granting permits for the operation of correspondence schools, privately owned business or trade schools, or other educational institutions under the Private Postsecondary Career School Act whenever said school offers any course which is intended to lead to the granting of an associate degree,~~

diploma, or certificate for any course which qualifies for college credit (85-1412 [9]).

This rule is adopted pursuant to authority vested in the Coordinating Commission for Postsecondary Education in Neb. Rev. Stat. §§ 85-1411, 85-1412, and 85-1101 through 85-1104.

~~003—APPLICATION PROCEDURE~~

~~Out-of-state institutions of higher education shall apply to the Coordinating Commission for Postsecondary Education to request authorization to offer courses or degree programs in the State of Nebraska.~~

~~003.01 Application Format. The request shall be made in a form as specified by the Commission for this purpose. The applicant shall provide all information requested before the application may be reviewed by the Commission. Separate applications shall be required for each degree program. Multiple individual courses not intended as a degree program may be submitted simultaneously.~~

~~003.02 Application Fee. A non-refundable application fee for administrative costs shall be submitted with each application. Resubmission of an application following its withdrawal by the out-of-state institution or reapplication requires an additional application fee.~~

~~Cooperative arrangements (i.e.: co-sponsorship) for the delivery of courses or degree programs within the State of Nebraska between a Nebraska institution and an out-of-state institution through an exchange of faculty and/or students may be authorized without payment of an administrative fee as long as the courses and programs are within the established role and mission of the Nebraska public institution, or within the accredited curriculum of the Nebraska independent institution, and written notification is received by the Commission before such a course~~

~~or program is offered. Such courses and programs must be considered as a part of the regular instructional program of the Nebraska institution.~~

004.003 DEFINITIONS

~~004.01~~ 003.01 Commission shall mean the Coordinating Commission for Postsecondary Education.

~~004.02~~ 003.02 Out-Of-State Institution shall mean any college, university, community college, technical community college, technical institute, junior college, or the equivalent that offers college credit courses or awards an associate or higher degree and is controlled by a public or private body organized outside the boundaries of the State of Nebraska.

~~004.03~~ 003.03 Course shall mean a college-level course offered for credit with specific curriculum, educational objectives and course requirements.

~~004.04~~ 003.04 Degree Program shall mean a sequence or combination of courses which, upon satisfactory completion thereof, lead to an award of an educational certificate, diploma, or degree.

~~004.05~~ 003.05 Telecommunications-based instruction shall mean ~~college-level credit courses offered where any number of students are assembled at a receiving site by a postsecondary institution for the purpose of engaging in instruction by means of telecommunications regularly emanating from a sending institution. Telecommunications-based instruction provided to the personal residence of individual students are excluded from this rule. This definition excludes courses which use telecommunications primarily to enhance or supplement instruction. Telecommunications-based instruction shall include instruction delivered to the receiving site via terrestrial or satellite installations including television, radio, telephone and/or computer communications.~~ any course delivered by a synchronous method, in which instructor and students meet at the same time but a portion of the

students are physically separated in place from the instructor, including, but not limited to, live transmission via satellite, ITFS, T-1 or T-3, fiber optics, radio, audio/phone conferencing, audiographics, desktop video conferencing, and real time discussion (chat room). For purposes of this chapter, courses delivered asynchronously, in which the instructor and students are separated in both time and place, are excluded (e.g. prerecorded video or audio, CD-ROM based, Web-based).

~~004.06 Service Area shall mean the county of the specific location at which the institution proposes to conduct courses/degree programs.~~

004.07 003.06 Physical Presence in Nebraska shall be evidenced by arrangements for sites where an out-of-state institution offers one or more courses for college credit on an established schedule at locations other than the personal residence of individual students.

004 APPLICATION PROCEDURE

004.01 Out-of-state institutions of higher education shall apply to the Coordinating Commission for Postsecondary Education to request authorization to offer courses or degree programs in the State of Nebraska.

004.02 The Commission will adopt an application procedure describing the specific information which institutions shall submit to demonstrate compliance with the criteria prescribed in this rule.

004.03 Application Format. The request shall be made in a form as specified by the Commission for this purpose. Copies of the required forms are included in Appendix A and Appendix B. The applicant shall provide all information requested before the application may be reviewed by the Commission. Separate applications shall be required for each degree program. Multiple individual courses not intended as a degree program may be submitted simultaneously.

004.04 Application Fee. A non-refundable application fee for administrative costs shall be submitted with each application. Resubmission of an application following its withdrawal by the out-of-state institution or reapplication requires an additional application fee.

Cooperative arrangements (i.e., co-sponsorship) for the delivery of courses or degree programs within the State of Nebraska between a Nebraska institution and an out-of-state institution through an exchange of faculty and/or students may be authorized without payment of an administrative fee as long as the courses and programs are within the established role and mission of the Nebraska public institution, or within the accredited curriculum of the Nebraska independent institution, and written notification is received by the Commission before such a course or program is offered. Such courses and programs must be considered as a part of the regular instructional program of the Nebraska institution.

004.05 Review. Following the receipt of a complete application, the Commission will hold a public hearing and review the application pursuant to the criteria in Section 005 of this rule and approve or disapprove the authorization.

005 APPLICATION REQUIREMENTS CRITERIA FOR APPROVAL

~~The Commission will consider the following criteria.~~

~~005.01 Demonstrated Need and Demand for the Course or Program in the Area to be Served. The institution shall demonstrate the need for the program in Nebraska the area to be served. The Commission will determine whether the proposal constitutes unnecessary duplication in the context of the existence of comparable courses and/or programs already offered in the proposed service area which may meet the needs of students targeted by the out-of-state institution.~~

005.02 The Quality of Courses or Programs of Instruction, and Degrees to be Offered in the State. The institution shall demonstrate that the ~~instructional~~ courses or degree program ~~is~~ are of sufficient depth, breadth and rigor to provide the knowledge, skills and abilities which are expected of course/ completers or program graduates ~~or completers~~ and to merit award of the proposed certificate, diploma or degree.

The quality of the ~~instructional~~ course or degree program to be offered in the State shall be comparable to that offered on the main campus of the institution. There shall be a reasonable relationship between the hours of instruction and credits awarded.

005.03 The Quality of Teaching Faculty, Library and Support Services, Commensurate with Tuition or Fees Charged. The institution shall demonstrate that faculty who will teach the courses to be offered in Nebraska are appropriately qualified to teach such courses.

The institution shall demonstrate that ~~local~~ the library and learning resources are made available and are of an appropriate breadth, depth and quality to support the courses ~~and/or instructional~~ or degree program ~~and to~~ meet the needs of Nebraska students enrolled in such courses ~~and/or programs~~.

The institution shall demonstrate that local support services for faculty and student services are adequate and appropriate to support the students and faculty.

The quality of teaching faculty, library and support services which are part of courses or programs to be offered in Nebraska shall be comparable to the quality of such offered on the main campus of the institution.

005.04 Legal Form and Ownership. The applicant shall specify the ownership and legal form organization of the institution (~~for-profit,~~ 501.C.3 non-profit, corporation, partnership, etc.). If the institution is

affiliated with any other institution, ~~or ownership of the institution is by an out-of-state entity~~, such relationship shall be defined.

005.05 Financial Soundness and Ability to Fulfill Commitments to Students. The institution shall demonstrate financial stability and financial capability to support its programs for Nebraska students.

005.06 Program or Course Location. The institution shall identify the specific location or locations (by street address) where courses or degree programs will be offered and demonstrate that the facilities are adequate at such location or locations for the courses or programs to be offered. When an out-of-state institution designates a planned program location, approval shall be contingent upon designation of a specific location or locations where programs will be offered within a ~~Commission-specified~~ reasonable period of time following Commission approval.

005.07 Affiliations. The institution shall identify relationships with Nebraska postsecondary institutions for transfer of credit; use of joint faculty and/or facilities; or other supportive relationships.

005.08 Transferability of Credits. The institution shall affirm that course credits earned by students in Nebraska are reasonably transferable to the main campus of the institution and to other postsecondary education institutions. Advertisements of courses or programs in Nebraska shall indicate the extent to which course credits are transferable.

005.09 Accreditation. The institution shall demonstrate it holds appropriate accreditation from an accrediting body recognized by the United States Department of Education. If accreditation of the program to be offered in the State is commonly recognized as an essential indicator of program quality and a valid predictor of student employment placement, then the institution shall also demonstrate that it holds such program accreditation.

005.10 Additional Information. ~~The Commission may examine any aspects of the proposal deemed necessary to establish sufficient understanding to draw an appropriate conclusion with respect to any part of the proposal.~~ The institution shall comply with any reasonable request of the Commission for information in addition to the above criteria that ~~which~~ the Commission deems necessary to ~~draw an appropriate conclusion~~ complete the application and review process.

006 PUBLIC HEARING

Pursuant to the Administrative Procedures Act and 281 NAC Chapter 12, ~~Section 003.03 (4) and Section 005.02A,~~ the Commission will hold a public hearing prior to making a determination to approve or deny the application of an out-of-state institution to offer courses and/or degree programs in the State. ~~The Following receipt of a complete application,~~ the Commission will publish notice of such public hearing in a newspaper with general circulation at least thirty but not more than sixty days prior to the date set for such hearing. A representative of the out-of-state institution shall be present for such public hearing.

007 COMMISSION ACTION

All contacts with the Commission shall be through the Executive Director or his/her designee. The Executive Director or his/her designee shall notify the applicant institution of action ~~of~~ by the Commission.

008 ~~ANNUAL REPORT~~ REPORTING REQUIREMENTS

008.01 Each approved out-of-state institution shall provide an annual report to the Commission in a form prescribed by the Commission.

008.02 Reasonable prior notification to the Commission is required when an out-of-state institution approved to offer courses or degree programs in Nebraska (a) changes its name; (b) changes the location where the approved courses or degree programs are offered; or (c)

undergoes a change in ownership or business organization. Notification of a change in ownership or business organization must be accompanied by evidence of financial soundness.

009 REVOCATION OR SUSPENSION OF PERMISSION TO OFFER COURSES OR PROGRAMS IN THE STATE

The Commission may, based on documented substantial evidence that an out-of-state institution no longer meets the requirements of this rule, revoke or temporarily suspend the authorization of such institutions to offer a course or degree program in the State. Prior to any such revocation or suspension, the Commission will hold a public hearing pursuant to the procedures described in Section 006 of this rule.

~~010 APPLICATION INFORMATION~~

~~The Commission will adopt an application procedure describing the specific information which institutions shall submit to demonstrate compliance with the criteria prescribed in this rule.~~

APPENDIX A: SAMPLE APPLICATION FOR OUT-OF-STATE INSTITUTION TO
OFFER DEGREE PROGRAMS IN NEBRASKA

STATE OF NEBRASKA
COORDINATING COMMISSION FOR POSTSECONDARY EDUCATION

**APPLICATION FOR OUT-OF-STATE INSTITUTION TO OFFER
DEGREE PROGRAMS IN NEBRASKA**

(Nebraska Administrative Code Title 281, Chapter 1)

Date

Name of Institution

Street Address

City

State

Zip Code

Name of contact person

Title

Telephone Number

Fax Number

Email Address

APPENDIX A: SAMPLE APPLICATION FOR OUT-OF-STATE INSTITUTION TO
OFFER DEGREE PROGRAMS IN NEBRASKA

1. Legal Status of Institution

- a. Owned and operated by the State or a political subdivision of the State
- b. Nonprofit (please provide documents of incorporation and, if available, § 501(c)(3) status documentation, that include the organization name and address in Section 1 of your application)
- c. For-profit (please provide documents of incorporation or other legal status documents that include the business name and address and the names, titles, and business addresses of all principals in the business as Section 1 of your application)

How is the business organized:

Sole Proprietorship Partnership Corporation Other _____

Has the business, a principal officer in the business, or a shareholder with a 25% or more ownership interest in the business filed for bankruptcy during the preceding five years?

Yes No

2. Program to be Offered

A separate application must be submitted for each degree program.

In Section 2, please provide the following information: the degree program title and the number and title of each course, course descriptions, the street address of the location where the courses will be held, copies of leases or facility use agreements, the starting and ending dates, and the estimated enrollment.

3. Need and Demand for the Courses or Program

In Section 3, please provide appropriate data and other evidence regarding the need and demand for the program in the area to be served. The information provided should address issues such as the purpose of the instruction, employment opportunities for graduates, the basis for the projected

APPENDIX A: SAMPLE APPLICATION FOR OUT-OF-STATE INSTITUTION TO
OFFER DEGREE PROGRAMS IN NEBRASKA

enrollments, and the availability of similar programs from other institutions serving the geographical area within a thirty mile radius of the proposed location of the program.

4. Quality of Programs to be Offered

In Section 4, please provide evidence that the instruction will be of sufficient depth, breadth, and rigor to provide students with the opportunity to attain the knowledge, skills, and abilities expected of completers and to merit the award of the diploma, certificate, or degree. If there are licensure or certification requirements, provide evidence that students who complete the program will be prepared to meet such requirements. Provide evidence that the quality of the program will be comparable to the quality offered on the main campus of the institution and evidence that there is a reasonable relationship between the hours of instruction and the credits awarded. Identify any admission requirements.

Provide a copy of the institutional catalog and reference the page numbers and sections particularly relevant to the proposed program and related courses.

Identify any other locations, other than the main campus, where the program has been offered.

5. Quality of Faculty

In Section 5, please provide evidence that the faculty who will teach the courses are appropriately qualified. Include a vita for each faculty member. For courses to be taught by telecommunications, provide evidence that faculty are trained and/or experienced in telecommunication instruction.

6. Library and Academic Support Services

In Section 6, please provide information regarding student access to library and learning resources that are of appropriate depth, breadth, quality, and availability to meet the needs of the Nebraska students enrolled in the proposed program. Include copies of any written agreements assuring student access to such resources. Also provide information about the availability of other support services for students and faculty such as academic or career advising, computer equipment, copying services, etc.

APPENDIX A: SAMPLE APPLICATION FOR OUT-OF-STATE INSTITUTION TO
OFFER DEGREE PROGRAMS IN NEBRASKA

7. Financial Soundness and Ability to Fulfill Commitments to Students

In Section 7, please provide information to demonstrate the financial stability and financial capability to support the program to be offered in Nebraska. Provide the most recent audited financial statement and the proposed tuition and fee charges. In addition, provide evidence of:

- a. Adequate budgeting, accounting, and auditing procedures that are consistent with the standards of the National Association of College and University Business Officers;
- b. Adequate proposed annual budget identifying all sources of income and all categories of educational and general expenditures for its off-campus programs in Nebraska;
- c. Appropriate refund policies, and financial capabilities to provide refunds through adequate revenues, credit, bonding or insurance; and,
- d. Explanation of how the interests of students will be protected if the institution were to discontinue its courses in Nebraska. The institution shall demonstrate that it has a policy that allows students a reasonable time to complete a degree program in the event that the program is discontinued in Nebraska.

8. Affiliations and Transfer of Credits

In Section 8, please identify any affiliations with Nebraska postsecondary institutions regarding the transfer of credits, joint use of faculty or facilities, or other supportive relationships. The applicant institution shall affirm that course credits earned by students in Nebraska are reasonably transferable to the main campus of the institution and to other postsecondary education institutions.

9. Accreditation

In Section 9, please provide evidence that the institution holds appropriate accreditation from an accrediting organization recognized by the United States Department of Education. If accreditation of the program to be offered in Nebraska is commonly recognized as an essential indicator of program quality and a valid predictor of student employment placement, then the institution shall also demonstrate that it holds such program accreditation.

APPENDIX A: SAMPLE APPLICATION FOR OUT-OF-STATE INSTITUTION TO
OFFER DEGREE PROGRAMS IN NEBRASKA

10. Other Information

The institution may provide any other information not requested above that is relevant to its application to offer programs in Nebraska.

APPENDIX B: SAMPLE APPLICATION FOR OUT-OF-STATE INSTITUTION TO
OFFER COURSES IN NEBRASKA

STATE OF NEBRASKA
COORDINATING COMMISSION FOR POSTSECONDARY EDUCATION

**APPLICATION FOR OUT-OF-STATE INSTITUTION TO OFFER
COURSES IN NEBRASKA**

(Nebraska Administrative Code Title 281, Chapter 1)

Date

Name of Institution

Street Address

City

State

Zip Code

Name of contact person

Title

Telephone Number

Fax Number

Email Address

APPENDIX B: SAMPLE APPLICATION FOR OUT-OF-STATE INSTITUTION TO
OFFER COURSES IN NEBRASKA

1. Legal Status of Institution

- a. Owned and operated by the State or a political subdivision of the State
- b. Nonprofit (please provide documents of incorporation and, if available, § 501(c)(3) status documentation, that include the organization name and address in Section 1 of your application)
- c. For-profit (please provide documents of incorporation or other legal status documents that include the business name and address and the names, titles, and business addresses of all principals in the business as Section 1 of your application)

How is the business organized:

Sole Proprietorship Partnership Corporation Other _____

Has the business, a principal officer in the business, or a shareholder with a 25% or more ownership interest in the business filed for bankruptcy during the preceding five years?

Yes No

2. Courses to be Offered

In Section 2, please provide the following information: the number and title of each course, course descriptions, the starting and ending dates, and the estimated enrollment.

3. Need and Demand for the Courses

In Section 3, please provide appropriate data and other evidence regarding the need and demand for the courses or courses in the area to be served. The information provided should include the availability of similar courses from other institutions serving the geographical area within a thirty mile radius of the proposed location of the courses.

APPENDIX B: SAMPLE APPLICATION FOR OUT-OF-STATE INSTITUTION TO
OFFER COURSES IN NEBRASKA

4. Quality of Courses to be Offered

In Section 4, please provide evidence that the instruction will be of sufficient depth, breadth, and rigor to provide students with the opportunity to attain the knowledge, skills, and abilities expected of completers. Provide evidence that the quality of the course will be comparable to the quality offered on the main campus of the institution and evidence that there is a reasonable relationship between the hours of instruction and the credits awarded. Identify any course pre-requisites.

5. Quality of Faculty

In Section 5, please provide evidence that the faculty who will teach the courses are appropriately qualified. Include a vita for each faculty member.

6. Library and Academic Support Services

In Section 6, please provide information regarding student access to library and learning resources that are of appropriate depth, breadth, quality and availability to meet the needs of the Nebraska students enrolled in the proposed courses. Also provide information about the availability of other support services for students and faculty such as computer equipment, copying services, etc.

7. Financial Soundness and Ability to Fulfill Commitments to Students

In Section 7, please provide information to demonstrate the financial stability and financial capability to support the courses to be offered in Nebraska. Provide the most recent audited financial statement and the proposed tuition and fee charges.

8. Affiliations and Transfer of Credits

In Section 8, please identify any affiliations with Nebraska postsecondary institutions regarding the transfer of credits, joint use of faculty or facilities, or other supportive relationships. The applicant institution shall affirm that course credits earned by students in Nebraska are reasonably transferable to the main campus of the institution and to other postsecondary education institutions.

APPENDIX B: SAMPLE APPLICATION FOR OUT-OF-STATE INSTITUTION TO
OFFER COURSES IN NEBRASKA

9. Accreditation

In Section 9, please provide evidence that the institution holds appropriate accreditation from an accrediting organization recognized by the United States Department of Education.

10. Location

In Section 10, provide the street address of the location where the courses will be held and copies of leases or facility use agreements, if applicable.

11. Other Information

The institution may provide any other information not requested above that is relevant to its application to offer courses in Nebraska.